IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PHILIPS RECALLED CPAP,

Master Docket: Misc. No. 21-mc-1230-JFC

BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS

MDL No. 3014

LITIGATION

.

This Document Relates to:

SHORT FORM COMPLAINT FORPERSONAL INJURIES, DAMAGES,

Daryn Frank

AND DEMAND FOR JURY TRIAL

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. DEFENDANTS

1. Plaintiff(s) name(s) the following Defendants in this action:

Koninklijke Philips N.V.

Philips North America LLC.

Philips RS North America LLC.

II.

		Philips Holding USA Inc.
		Philips RS North America Holding Corporation.
		Polymer Technologies, Inc.
		Polymer Molded Products LLC.
I .	PLAI	NTIFF(S)
	2.	Name of Plaintiff(s): Daryn Frank
	3.	Name of spouse of Plaintiff (if loss of consortium claim is being made): N/A
	4.	Name and capacity (i.e., executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any: N/A
	5.	State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased, residence at the time of death): Indiana
ш.	DES	IGNATED FORUM
	6.	Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing: Northern District of Indiana

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

E30 (Em	ergency Use Authorization)	Dorma 500		
DreamS	tation ASV	REMstar SE Auto		
	tation ST, AVAPS	Trilogy 100		
System C	ne ASV4	Trilogy 200		
C-Series	ASV	Garbin Plus, Aeris, LifeVent		
C-Series	S/T and AVAPS	A-Series BiPAP Hybrid A30 (not marketed		
☐ OmniLa	b Advanced +	in U.S.)		
System C	Ine (Q-Series)	A-Series BiPAP V30 Auto		
✓ DreamS	Station	A-Series BiPAP A40		
DreamS	Station Go	A-Series BiPAP A30		
Dorma	400	Other Philips Respironics Device; if other,		
		identify the model:		
v. INJ	URIES	1. C . D . 11		
8.	Plaintiff alleges the followin Device together with the atter therewith:	g physical injuries as a result of using a Recalled adant symptoms and consequences associated		
	COPD (new or worsening)			
	Asthma (new or worsening)			
	Pulmonary Fibrosis			
	Other Pulmonary Damage/Inflammatory Response			
	Cancer	(specify cancer)		
	Kidney Damage			
	Liver Damage			

	Heart Damage	
	Death	
	Other (specify)	
CAUS	SES OF ACTION/DA	MAGES
9.	in the Master Long F	ilips N.V., Plaintiff(s) adopt(s) the following claims asserted orm Complaint for Personal Injuries, Damages and Demand e allegations and prayer for relief with regard thereto, as set
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation

VI.

Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
aggerted in the Mas	th America LLC, Plaintiff(s) adopt(s) the following claims ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing

10.

Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
accerted in the Mas	forth America LLC, Plaintiff(s) adopt(s) the following claims ter Long Form Complaint for Personal Injuries, Damages and ial, and the allegations and prayer for relief with regard thereto
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn

11.

Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]

12.	in the Master Long F	USA Inc., Plaintiff(s) adopt(s) the following claims asserted orm Complaint for Personal Injuries, Damages and Demand e allegations and prayer for relief with regard thereto, as set
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation
	Count XV:	Negligence Per Se
	Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring

Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
following claims as	North America Holding Corporation, Plaintiff(s) adopt(s) the serted in the Master Long Form Complaint for Personal Injuries, and for Jury Trial, and the allegations and prayer for relief with et forth therein:
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se

	Count XVI:	Practices Under State Law
	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring
	Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
	A 4 Delever on To	abnologies inc. Plaintittis) attobilst tile tulluwille vianis
•	asserted in the Mast Demand for Jury Tri as set forth therein:	chnologies, Inc., Plaintiff(s) adopt(s) the following claims ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
	asserted in the Mass Demand for Jury Tri	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence
	asserted in the Mast Demand for Jury Tri as set forth therein:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
	asserted in the Mass Demand for Jury Tri as set forth therein: Count I:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence
	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect
	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design
	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn
	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
•	asserted in the Mass Demand for Jury Tri as set forth therein: Count II: Count III: Count IV: Count V: Count V:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect
	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count IV: Count V: Count V: Count VIII:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing
	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count IV: Count V: Count VIII: Count IX: Count XIII:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing Fraud

Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Mast	ded Products LLC, Plaintiff(s) adopt(s) the following claims er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
	Count XIX: Count XXI: Count XXI: Count XXII: Count XXII: Count XXII: As to Polymer Mol asserted in the Mast Demand for Jury Tri as set forth therein: Count II: Count II: Count IV: Count IV: Count VIII: Count XIII: Count XIII: Count XVIII: Count XVIII: Count XVIII: Count XVIII: Count XVIII:

	Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
16.	Complaint for Perso above, the additional Plaintiff(s) assert(s)	against the Defendants identified in the Master Long Form nal Injuries, Damages and Demand for Jury Trial are alleged al facts, if any, supporting these allegations must be pleaded. In the following additional factual allegations against the red in the Master Long Form Complaint for Personal Injuries, and for Jury Trial:
17.	Plaintiff(c)' damage	l(s) that additional parties may be liable or responsible for es alleged herein. Such additional parties, who will be hereafter endants, are as follows (must name each Defendant and its

18.	Plaintiff(s) assert(s) the following additional claims and factual allegations agai	nst
10.	other Defendants named in Paragraph 16 above:	

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: Jun 1 2023

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